

STATE REPRESENTATIVE
35th DISTRICT
WILLIAM A. EICKMEYER

State of
Washington
House of
Representatives



CAPITAL BUDGET
NATURAL RESOURCES,
ECOLOGY & PARKS
SELECT COMMITTEE
ON HOOD CANAL
CHAIR

RECEIVED

MAR 10 2006

WA STATE BOARD OF HEALTH

March 7, 2006

Mary Selecky, Secretary of Health
Washington State Department of Health
PO BOX 47890
Olympia, Washington 98504-7890
(360) 236-4501

Dear Secretary Selecky:

Hood Canal's profound ecological problems lead informed citizens to petition the Washington State Legislature to create the Select Committee on Hood Canal. This committee's task has been to gather existing ecological information to review existing science and make recommendations to restore the canal to its natural pristine condition. There is still much to learn, but we need to begin taking some steps to address the problems we know do exist.

Among the obvious contributors to the degradation of the water quality in the canal are failed septic systems leaking nutrients and nitrates into the water. There is evidence that even fully functional systems contribute nitrates to the groundwater.

Residents in the area of Hood Canal are concerned about their possible contribution to the problems and many want to voluntarily upgrade their septic systems.

Entrepreneurs have developed creative, innovative new technologies that denitrify septic water and recover failed drain fields but are finding it difficult to comply with our numerous rules of our state's regulators. In addition, many entrepreneurs have found that there are no existing rules covering their innovative technologies. Oftentimes the state has told them their technologies can neither be approved or denied. The entrepreneurs are then required to go to individual counties to seek individual waivers for each project. Counties often perceive a legal or financial vulnerability in granting such waivers and are typically reluctant to grant them.

For the above mentioned reasons, multiple companies are experiencing difficulties in doing business in Washington State.

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We are proposing specific actions to be taken by your department which we believe to be consistent with the standards of the precautionary principle. We believe these small changes can immediately contribute to the improvement of the water quality in Hood Canal while at the same time make it easier for small, innovative business enterprises to conduct business in our state.

We are writing to ask Department of Health to adopt existing national standards where the WAC is silent, especially in areas of new technological application of existing science to solve a problem. It has come to our attention that one such circumstance of a new technology with an appropriate standard exists. Therefore, we request that the WA State Department of Health:

1. Approve the existing IAPMO/ANSI Standard for drain-field recovery by:
 - a. Add a new definition in WAC 246 272A-0010 Definitions. (1) "IAPMO" means the International Association of Plumbing and Mechanical Officials. (PAGE 3)
 - b. Add a new definition in WAC 246 272A-0010 Definitions (2) "In-Situ means remediation work carried out without moving soil or displacing existing structures." (PAGE 6)
 - c. Add the word "remediation" after the word "relocation," in WAC 246 272A-0010 Definitions. (PAGE 7)
 - d. Add a new definition in WAC 246 272A-0010 Definitions. (2) "Remediation means the process of drain-field recovery from a failure state, or the in-situ removal of sewage related contaminants in the soil around the drain field. (PAGE 7)
 - e. Insertion of the following into WAC 246 272A-0110 Section 3 "(e) ANSI / IAPMO #IGC 180-2003" (PAGE 16)
 - f. Make any other housekeeping additions to the WAC as appropriate to allow use of IAPMO IGC 180-2003 listed devices for use in existing and new septic system installations.
2. Create an easy and quick mechanism for reviewing and approving already existing ANSI approved standards beyond the solitary NSF-40/ANSI strategy. When new applicable ANSI Standards are approved they should be reviewed and recognized for use in Washington.
3. Craft a mechanism for justifying product approval based upon testing in and around the drain-field and not just at the end of an outlet pipe from a tank.
 - a. The State's own justification on minimum soil depths for drain-fields gives credit for treatment capabilities within the soil, underneath all standard drain-fields. Every septic system permit issued in Washington State is granted based upon the assumption of treatment in the soil.

- b. When a technology can demonstrate denitrifying or other treatment capabilities in the soil then that technology should be given full credit where field experience and testing validates the process.

We thank you for your attention to this matter and look forward to working with you on new rules in the future.

Sincerely,



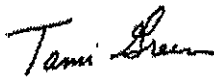
Representative Bill "Ike" Eickmeyer
35th Legislative District



Representative Brian Sullivan
21st Legislative District



Representative Maralyn Chase
32nd Legislative District



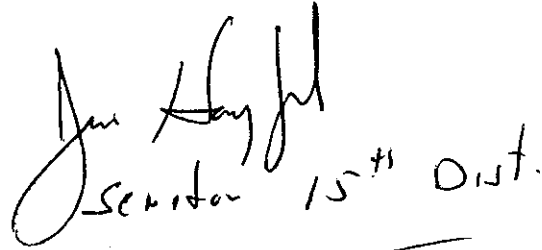
Representative Tami Green
28th Legislative District



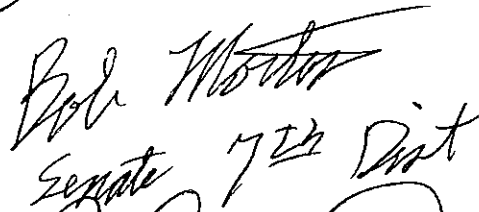
Senator Debbie Regala
27th Legislative District



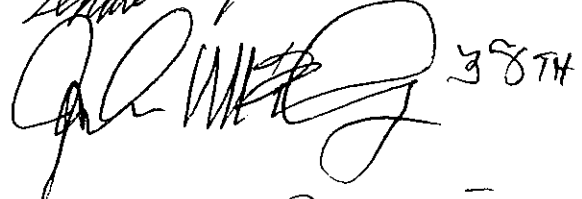
Senator Eric Poulsen
34th Legislative District



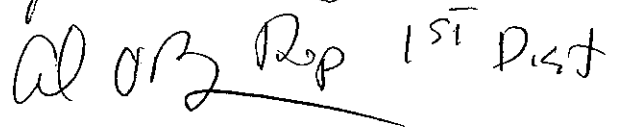
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38TH



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